

PSIAL/VHK/jfc

20 January 1988

Mr D Kass;
Assistant Secretary General
(Health Services)
Australian Medical Association
77-79 Arundel Street
Glebe
NSW 2037
AUSTRALIA

Dear Mr Kass,

POSITION PAPER OF THE AUSTRALIAN MEDICAL ASSOCIATION ON AIDS

The Association has, after some delay received a copy of the above paper. I have been asked by the Secretary to transmit to you the following comments.

While the British Medical Association accept that mandatory testing in certain situations and specifically for donors of organs, blood and gametes is acceptable we do not accept that it is appropriate to institute mandatory testing in other situations. Indeed, our legal advice obtained from leading counsel in the autumn of 1987 stated that it was illegal to perform HIV testing without the specific consent of the patient. The fact that the patient is about to undergo transplantation, cardiopulmonary by-pass surgery or haemodialysis would not exonerate the doctor from obtaining such consent. However, we believe that in those situations the patient would give consent to such a test when the medical reasons for obtaining details of the HIV status are explained. I enclose a copy of that opinion and the summary of advice to members.

The Association would not accept that if individuals will not agree to testing done on a voluntary basis, and belong to high risk groups that consideration be given to their inclusion in a mandatory group. The imposition of widespread mandatory testing would render consent to testing a nonsense and, we believe, be a major infringement of civil liberties.

We were interested to note that aboriginals were included in the high risk groups. I wonder whether this is related to clinical evidence on HIV or other conditions - for example the level of sexually transmitted diseases.

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20 January 1986

Mr B Kasap

I should be grateful if you could copy to me any reports of evidence on this as suggestions in this country of instituting a racial, category high-risk groups have been met with great concern both from the Association and from groups concerned about civil liberties. We would, therefore, be very interested to see any information you have on disease patterns in different ethnic groups.

Yours sincerely

Dr Vivienne H Nathanson
Assistant Secretary